

## Personnel

Employment  
Regulations

## Personnel Records

**POLICY:**

- .01 The Laboratory maintains, safeguards, and discloses information in employees' and applicants' official personnel records in accordance with AM 708 and applicable federal and state laws, regulations, and guidelines. The Laboratory has established appropriate and reasonable safeguards to ensure the security and confidentiality of official personnel records.
- .02 Employee personnel records contain only relevant and necessary employment information. Information in personnel records is collected, to the greatest extent practical, from the individual who is the subject of the information. If the source of the information is not the individual, a record of the source is maintained on the pertinent record.

**OFFICIAL PERSONNEL  
RECORDS:**

- .03 The Office of Personnel Records (HR-B) maintains the official Laboratory personnel records on applicants and employees with accuracy, relevance, timeliness, and completeness to the maximum extent possible.

*NOTE:* Applicant files are maintained only for individuals who apply for the Special Employment Programs described in AM Section 1100, Special Employment.

**ACCESS TO OFFICIAL  
PERSONNEL  
RECORDS:****Personal Access**

- .04 An individual has the right to inquire and be informed whether the Laboratory maintains an applicant or employee personnel file about that individual and to review the notices of personnel record systems that refer to that individual and that are submitted to the California State Office of Information Practices.

## Personnel Records

**NOTE:** A record system is a group of records that contain information about individuals, from which information is retrievable by the name of an individual or by some identifying symbol assigned to an individual (for example, Z number or social security number). In accordance with the California Information Practices Act, the Laboratory submits notices of records systems to the state.

- .05 Any individual who has a record on file in Personnel Records may view that record. To review the record, the individual must present a photograph identification to Personnel Records.
- Access by a Representative** .06 A person whose record is on file may designate a representative with a written authorization. The representative must present the signed authorization to Personnel Records. The authorization is valid for 30 calendar days from the date of signature by the individual or within a written time limit specified by the individual, whichever is later.
- Administrative Access** .07 An employee's line management, hiring officials, Laboratory attorneys, and other agents of the Laboratory have access to the official personnel record if such access is relevant and necessary in the ordinary course of their official duties and is related to the purpose for which the information was acquired. Subject to authorization by the Human Resources Division Leader or the employee, a hearing officer, hearing committee, or grievance review panel has access to specific information in an individual's personnel records if the information is necessary for the resolution of an employee's complaint under [AM 111](#).
- Access by the Public** .08 **Public Information** — Personnel Records releases the following information to members of the public upon request: the individual's name, date of hire, current job title, current rate of pay, organizational unit, date of separation, office address, office telephone number, type of appointment (regular, limited-term, or short-term), and payroll status

## Personnel Records

(full-time, part-time, or casual). If the requester wants to inspect or copy the written record of the information listed above but it is impractical to do so (for example, if the releasable information is intermixed with personal information), a written extract of the releasable information may be provided.

- .09 **Information Not Disclosed** — If the disclosure of information would constitute an unwarranted invasion of an individual's personal privacy, the information is not released to members of the public unless specifically authorized by the individual in writing (see .06) or as otherwise authorized by law. Such information includes, but is not limited to, the individual's home telephone number and home address, spouse's, domestic partner's or other relatives' names, birthdate, social security number, citizenship, and information such as performance evaluations or letters of corrective action.
- .10 **Other Disclosable Information** — Personnel record information other than that referred to in .08-.09 may be released to members of the public if the Information and Records Management Office (IM-9) determines that disclosure would not constitute an unwarranted invasion of personal privacy of the individual.
- .11 **Releases Pursuant to Law** — Personnel information may be released pursuant to a subpoena or in other circumstances where the Laboratory is required by law to release the information. IM-9 or Laboratory Counsel (LC) notifies the individual of each disclosure of information that identifies that individual and is made pursuant to a subpoena or other law. This notification is made before the disclosure, if possible.
- .12 **Releases to Law Enforcement Agencies** — Personnel information may be released to law enforcement agencies when required for an investigation of unlawful activity, unless such disclosure is otherwise prohibited by law.
- .13 **Releases to Public Authorities** — Except for releases made under .11 or .12, the release of information to public authorities, (for example,

## Personnel Records

elected officials and state or federal agencies) is made in the same manner as to any member of the public, that is, in accordance with .06-.10.

### RECORDS OF DISCLOSURE:

- .14 For each disclosure made under paragraphs .11 or .12, Personnel Records maintains a record that shows name, title, and business address of the person to whom the disclosure was made, the date of the disclosure, the information disclosed, and the purpose of the disclosure. A record of disclosure is maintained for 3 years after the disclosure or until the original record is destroyed, whichever occurs first.
- .15 Records of disclosure include any unresolved disputes about the accuracy of the records (*see* [.17](#)). If a record is corrected within 3 years of disclosure and if the holder of the record knows the name of a person to whom uncorrected information was disclosed, the holder sends a notice of correction to that person.

### Changes to Records

- .16 An employee may ask the Personnel Records Team Leader to correct, delete, or add certain information that may be contained in the official personnel file. Personnel Records will ask the employee to provide evidence of the basis for the change or addition. An employee may also request the addition of documents, such as training certificates, that are included in the list of permissible items contained in OPM-5-18.
- .17 If the Personnel Records Team Leader does not grant the employee's request, the request goes to the Human Resources Division Office (HR-DO), who makes the final decision within 30 days from the date the request was submitted to Personnel Records. The denial of a request is made in writing and states the reasons for the denial. The employee may enter into the file a statement of disagreement with the HR-DO's determination.

**Exception:** An employee may not enter a statement of disagreement in the file when the HR-DO denies a request to submit comments relating to the performance appraisal because

## Personnel Records

the deadline for submitting such comments has passed. See [AM 109](#).

- |                                   |  |
|-----------------------------------|--|
| <b>ORGANIZATIONAL FILE:</b>       | <p>.18 An organizational file is not considered the official Laboratory personnel record. The organizational file may contain copies of official records pertinent to the current position as well as other work-related documents the manager or employee decides to have placed in the file. Organizational files must be maintained in a timely, accurate, and relevant manner to the maximum extent possible.</p> <p>.19 Employees have access to their own organizational files as do their supervisors and staff who originate or process Personnel Action forms. Limited access by others is on a need-to-know basis. Employees may obtain copies of documents in their organizational files or may, with supervisory approval, obtain original documents (such as training certificates) that are in the files and replace the originals with copies.</p>  |
| <b>DISPOSAL OF RECORDS:</b>       | <p>.20 Information in personnel records should be disposed of in accordance with instructions from IM-9.</p>   |
| <b>Official Personnel Records</b> | <p>.21 <b>Active Employees</b> — All documents except adverse action memoranda that are placed in an employee's official personnel file remain in that file for as long as the employee is active.</p> <p>.22 An adverse action memorandum contained in an employee's official personnel file is removed after 2 years. However, if another related adverse action memorandum is received during the 2-year period, all adverse action memoranda are retained for 2 years from the date of the most recent memorandum. Adverse action memoranda are related if they are issued for similar reasons, such as performance deficiencies or misuse of property. The Personnel Records Team Leader determines if memoranda are related.</p> <p>.23 <b>Terminated Employees</b> — Performance appraisals are retained for 5 years following the employee's termination. All other documents contained in the</p> |

**Personnel Records**

personnel record at the time of termination remain in the record for 75 years from the date of separation from the Laboratory.

**Organizational Files**

- .24 When an employee terminates or transfers to a different Laboratory organization, the organizational file may not be transferred to the employee's new organization. The losing organization destroys the file no later than 1 year from the date of the termination or transfer.